

Barry J. Glickman
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ZEICHNER ELLMAN & KRAUSE LLP
575 Lexington Avenue
New York, New York 10022

Attorneys for Defendant Citibank, N.A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OMAR CASTORINO,

Plaintiff,

- against -

CITIBANK, N.A.,

Defendant.

Case No.: 07 Civ. 10606 (PC)

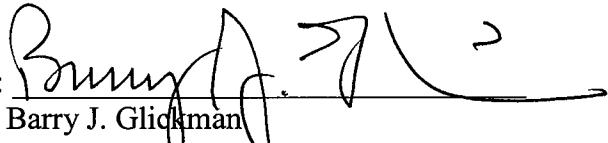
**NOTICE OF MOTION
TO DISMISS PURSUANT TO
FED.R.CIV.P. 12(b)(6)**

TAKE NOTICE, that upon the Declaration of Barry J. Glickman, dated March 31, 2008, the exhibits attached thereto, the accompanying memorandum of law dated March 31, 2008, and all pleadings and proceedings had herein, Citibank N.A. shall make a motion before the Honorable Paul A. Crotty, United States District Judge, at the United States Court House, 500 Pearl Street, New York, New York, for an order pursuant to Fed. R. Civ. P. 12(b)(6), dismissing each and every claim in the complaint.

TAKE FURTHER NOTICE, that, pursuant to the Court's direction,
opposing papers, if any, shall be served not later than April 21, 2008.

Dated: New York, New York
March 31, 2008

ZEICHNER ELLMAN & KRAUSE LLP

By: 
Barry J. Glickman
Bryan D. Lembach
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TO: FISCHER & MANDELL LP
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18851 N.W. 29th Avenue, Suite 900
Aventura, Florida 33180

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Michael W. Antonovich, hereby certifies under penalty of perjury that on the 31st day of March, 2008, I served a true copy of the within **CITIBANK'S NOTICE OF MOTION TO DISMISS WITH DECLARATION OF BARRY J. GLICKMAN AND EXHIBITS AND MEMORANDUM OF LAW AND F.R.C.P. 7.1 STATEMENT** upon the attorneys for plaintiff hereinafter named at the places hereinafter stated by depositing the same, properly enclosed in post-paid, properly addressed wrappers, into the exclusive care and custody of depository maintained and controlled by the U.S. Post Office for delivery by first class mail to said attorneys at their last known addresses given below:

FISCHER & MANDELL LP
550 Fifth Avenue, 6th Floor
New York. New York 10036

ROTH, ROUSSO & KALZMAN LLP
18851 N.W. 29th Avenue, Suite 900
Aventura, Florida 33180

Dated: New York, New York
March 31, 2008



A handwritten signature in black ink, appearing to read "Michael W. Antonovich". The signature is fluid and cursive, with a horizontal line underneath it.

Michael W. Antonovich